

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**RICHARD COOEY,**

**Plaintiff,**

**v.**

**ROBERT TAFT, Governor,**

**REGINALD WILKINSON, Director,**

**and**

**JAMES HAVILAND, Warden,**

**Defendants.**

**Case No. 2:04-cv-1156**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**ORDER**

On November 23, 2005, Plaintiff John R. Hicks filed a motion to intervene (Doc. # 23) and an amended motion for a temporary restraining order and preliminary injunction to stay his November 29, 2005 execution (Doc. # 25). In an Order journalized that same day (Doc. # 26), this Court granted Hicks' motion to intervene but denied his motion for injunctive relief. Both the Sixth Circuit and the United States Supreme Court subsequently declined to stay Hick's scheduled execution.

This Court takes judicial notice that the State of Ohio executed Hicks on November 29, 2005. Accordingly, the Court **DISMISSES** Hicks as a party to this litigation.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE